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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DIANA THEODORE,

Plaintiff,

V.

AMERICAN EXPRESS NATIONAL BANK,

Defendant.

No. 3:23-cv-03710-AMO

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE THE
MOTION TO COMPEL
ARBITRATION AND STAY ACTION
BRIEFING SCHEDULE**

1 Pursuant to Civil Local Rule 7-12, Plaintiff Diana Theodore and Defendant American
2 Express National Bank, by and through their respective counsel, hereby stipulate as follows:

3 WHEREAS, on July 26, 2023, Plaintiff commenced the above-captioned case against
4 Defendant (ECF No. 1);

5 WHEREAS, on September 22, 2023, Defendant filed a Motion to Compel Arbitration and
6 Stay Action, which is set for hearing on February 29, 2024 (ECF No. 20);

7 WHEREAS, the current deadline for Plaintiff to file a response to Defendant's Motion to
8 Compel Arbitration is October 6, 2023, per Civil Local Rule 7-3(a);

9 WHEREAS, if Plaintiff files a response to Defendant's Motion on October 6, 2023,
10 Defendant's deadline to file a reply is October 13, 2023, per Civil Local Rule 7-3(a);

11 WHEREAS, Plaintiff requires additional time to respond to Defendant's Motion to Compel
12 Arbitration and Stay Action, which Defendant does not oppose;

13 WHEREAS, the parties agree there is good cause to stipulate to a briefing schedule;

14 WHEREAS, the parties stipulate that Plaintiff shall have until November 21, 2023, to
15 respond to Defendant's Motion to Compel Arbitration;

16 WHEREAS, the parties stipulate that Defendant shall have until January 20, 2024, to file a
17 reply in support of its Motion to Compel Arbitration;

18 WHEREAS, the parties have not previously requested any extension;

19 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned,
20 subject to Court approval, as follows:

21 1. The deadline for Plaintiff to file a response to Defendant's Motion to Compel Arbitration
22 and Stay Action is moved from October 6, 2023, to November 21, 2023.

23 2. The deadline for Defendant to file a reply in support of its Motion to Compel Arbitration
24 and Stay Action is moved from October 13, 2023, to January 20, 2024.

25 3. The hearing on Defendant's Motion to Compel Arbitration and Stay Action is set for
26 February 29, 2024.

1 Dated: October 3, 2023

HAGENS BERMAN SOBOL SHAPIRO LLP

2 By: /s/ Shayne C. Stevenson

3 Shayne C. Stevenson
4 Attorney for Plaintiffs

5 Dated: October 3, 2023

STEPTOE & JOHNSON LLP

6 By: /s/ Julia B. Strickland

7 Julia B. Strickland
8 Attorney for Defendant

9 Pursuant to Civil Local Rule 5-1(i)(3), all signatories concur in filing this stipulation.

10 Dated: October 3, 2023

11 By: /s/ Shayne C. Stevenson
Shayne C. Stevenson

12 PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

13 Dated: _____, 2023

14 Hon. Araceli Martínez-Olguín
15 United States District Judge